

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:22-cv-00422-JRG-RSP

JURY DEMANDED

**DECLARATION OF MARC FENSTER IN SUPPORT OF PLAINTIFF HEADWATER
RESEARCH LLC'S MOTIONS FOR SUMMARY JUDGMENT AND MOTION TO
STRIKE PORTIONS OF THE EXPERT OPINIONS OF DR. DAN SCHONFELD**

1. I, Marc Fenster, declare as follows.

2. I am counsel for Headwater Research LLC (“Headwater”) in the above-captioned action. I provide this declaration in support of Headwater’s Motions for Summary Judgment and Motion to Strike Portions of the Expert Opinions of Dr. Dan Schonfeld. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

3. Attached as Exhibit 1 is a true and correct copy of the opening report of Samsung’s technical expert, Dr. Dan Schonfeld, dated March 29, 2024.

4. Attached as Exhibit 2 is a true and correct copy of the rebuttal report of Samsung’s technical expert, Dr. Dan Schonfeld, dated April 19, 2024.

5. Attached as Exhibit 3 is a true and correct copy of the deposition transcript of Dr. Dan Schonfeld, dated May 7, 2024.

6. Attached as Exhibit 4 is a true and correct copy of the deposition transcript of Dr. Dan Schonfeld, dated May 8, 2024.

7. Attached as Exhibit 5 is a true and correct copy of the deposition transcript of Dr. Dan Schonfeld, dated May 9, 2024.

8. Attached as Exhibit 6 is a true and correct copy of Samsung’s IPR Petition filed against the ’976 patent, dated August 11, 2023 (IPR2023-01253).

9. Attached as Exhibit 7 is a true and correct copy of Headwater’s Patent Owner’s Preliminary Response regarding the ’976 patent, dated December 22, 2023 (IPR2023-01253).

10. Attached as Exhibit 8 is a true and correct copy of Samsung’s Declaration of Dr. Kevin Butler in support of its IPR Petition filed against the ’976 patent, dated August 11, 2023 (IPR2023-01253).

11. Attached as Exhibit 9 is a true and correct copy of the deposition transcript of Dr. Doug Chrissan, dated December 18, 2023.

12. Attached as Exhibit 10 is a true and correct copy of *Puff Corp. v. SHO Products, LLC*, No. CV-22-2008, Dkt. No. 186 (C.D. Cal. Apr. 19, 2024).

13. Attached as Exhibit 11 is a true and correct copy of excerpts from the corrected opening report of Headwater's damages expert, David Kennedy, dated April 22, 2024.

14. Attached as Exhibit 12 is a true and correct copy of excerpts from the rebuttal report of Samsung's damages expert, Dr. Keith Ugone, dated April 19, 2024.

15. Attached as Exhibit 13 is a true and correct copy of excerpts from the opening report of Headwater's infringement expert, Dr. Richard Wesel, dated March 29, 2024.

16. Attached as Exhibit 14 is a true and correct copy of the supplemental report of Headwater's infringement expert, Dr. Richard Wesel, dated April 25, 2024.

17. Attached as Exhibit 15 is a true and correct copy of excerpts from the rebuttal report of Headwater's infringement expert, Dr. Richard Wesel, dated April 19, 2024.

18. Attached as Exhibit 16 is a true and correct copy of excerpts from the deposition transcript of Samsung technical 30(b)(6) Hongjung Son, dated February 28, 2024.

19. Attached as Exhibit 17 is a true and correct copy of excerpts from the deposition transcript of Samsung technical 30(b)(6) Hongjung Son, dated February 29, 2024.

20. Attached as Exhibit 18 is a true and correct copy of excerpts from the deposition transcript of Samsung technical 30(b)(6) Hongshik Kim, dated March 6, 2024.

21. Attached as Exhibit 19 is a true and correct copy of deposition transcript of Jeff Sharkey, dated January 23, 2024.

22. Attached as Exhibit 20 is a true and correct copy of the assignment record for the

'701, '976, '184, '578, '445, and '433 patents, dated December 29, 2016.

23. Attached as Exhibit 21 is a true and correct copy of the assignment record for the '544 patent, dated December 29, 2016.

24. Attached as Exhibit 22 is a true and correct copy of the assignment record for the '224 patent, dated December 29, 2016.

25. Attached as Exhibit 23 is a true and correct copy of the Invention Disclosure, Confidentiality & Proprietary Rights Agreement, signed by Dr. Gregory Raleigh, dated December 18, 2006.

26. Attached as Exhibit 24 is a true and correct copy of the Invention Disclosure, Confidentiality & Proprietary Rights Agreement, signed by Dr. Alireza Raissinia, dated December 8, 2006.

27. Attached as Exhibit 25 is a true and correct copy of the Qualcomm employment record of Dr. Gregory Raleigh, dated February 21, 2024.

28. Attached as Exhibit 26 is a true and correct copy of the Qualcomm employment record of Dr. Alireza Raissinia, dated February 20, 2024.

29. Attached as Exhibit 27 is a true and correct copy of Samsung's objections and responses to Headwater's First Set of Interrogatories, dated March 15, 2024.

30. Attached as Exhibit 28 is a true and correct copy of the deposition transcript of Dr. Gregory Raleigh, dated November 15, 2023.

31. Attached as Exhibit 29 is a true and correct copy of the deposition transcript of Dr. Alireza Raissinia, dated December 15, 2023.

32. Attached as Exhibit 30 is a true and correct copy of Qualcomm's objections and responses to Samsung's subpoena, dated January 23, 2024.

33. Attached as Exhibit 31 is a true and correct copy of the deposition transcript of Dr. Gregory Raleigh, dated March 8, 2024.

34. Attached as Exhibit 32 is a true and correct copy of the deposition transcript of James Harris, dated November 17, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 10, 2024 at Los Angeles, California

By: /s/ Marc Fenster
Marc Fenster

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2024, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF System per Local Rule CV-5(a)(3).

/s/ Marc Fenster

Marc Fenster